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EXAMINER

FREAY, CHARLES GRANT

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/977,552
Filing Date: October 15, 2001
Appellant(s): MILLET ET AL.

Michael Malinzak
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 5, 2009 appealing from the Office action mailed October 22, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 19-21, 26-28, 30, 32-34, 48, 50, 53, 54, 56, 58-64, 66 and 69 are currently pending in the present application. Claims 19-21, 26-28, 30, 32-34, 48, 56, 58, 66 and 69 stand rejected as indicated in the Office Action mailed on October 22, 2008. Claims 50, 53, 54 and 59-64 have been withdrawn from consideration. Claims 19-21, 26-28, 30, 32-34, 48, 56, 66 and 69 are the subject of this appeal.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The statement is substantially correct, only the date on which the claims were presented is in error. The claims are those presented in Applicant's response dated July 11, 2008. A review of Applicant's Section X of the Claims Appendix shows that the claims present are a copy of the claims presented on July 11, 2008 and acted upon in

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the Final Rejection of October 22, 2008. No amendment was submitted subsequent to the final rejection.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Patent No. 6,471,486 (Centers et al, hereafter Centers)

U.S. Patent No. 5,975,854 (Culp, III et al, hereafter Culp)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 19-21, 26-28, 30, 32-34, 48, 56, 58, 66 and 69 rejected under 35 U.S.C. 103(a) as being unpatentable over Centers (USPN 6,471,485) in view of Culp (USPN 5,975,854).

Centers discloses an apparatus/compressor system (see Fig. 1B) comprising compressor(s) (1002) and an electronic control system (1004, see Figs. 2A and 2A-1 thru 2A-4) that is analogous to the claimed control block. The device includes a motor (100) and a shell/housing (not enumerated). The control block includes a microprocessor (col. 5 line 67) and there is memory (Fig. 5b and the first two full paragraphs of col. 19). The control block (1004) is in communication with the compressor (10042). Multiple compressors (1002) can be controlled at the same time, in which case multiple electronic control systems are linked via network in a peer-o-peer

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configuration, see abstract. A remote computer used for monitoring, controlling, downloading firmware and software, and communicating compressor operation data constitutes the system master. As set forth at col. 25 line 42 through col. 26 line 27 the system master is in communication with the electronic control system and is operative to receive and send stored compressor configuration information to and from the control block. It is obvious that the system master initializes the compressor system for a specific use and therefore is capable of performing the desired result or method step set forth in claim 32. The random access memory chips (510) are used for storage of operating data, i.e. compressor configuration information, history data, and parameter calculation results, see col. 19, lines 33-37. All operating parameters, service information, shut down records, sensor input information (including temperature and pressure data) are transmitted from the electronic control system (1004) to the system master computer. All of the stored operating parameters of the electronic control system (1004) can be modified by the system master, see col. 15 lines 5-17 which sets forth that the remote controller accesses all information of the electronic control system. It is clear that the compressor identification data is stored since Centers at col. 6 line 66 through col. 7 lines 37-45 make reference to the compressor model. Event history data is also stored for a variety of conditions (for example, col. 7 lines 8-13 or col. 9 lines 57 and 58 where the number of cycles per minute are noted). Cycle time and number data (col. 9 lines 49-65) and application data such as end user pressures and temperatures (col. 14 lines 27-36) are all stored. At col. 6 lines 66 and 67 temperature limits are set forth and at col. 4 lines 33-52 pressure limits are set forth.

Centers does not disclose that there is a vibration sensor or that the control block is mounted on the compressor shell.

Culp teaches of a compressor (10) with a protection module (86), which is analogous to the claimed control block. The protection module includes a vibration sensor and control circuits (see Figs. 4 and 7) and is mounted to the shell. Therefore at the time of the invention it would have been obvious to one of ordinary skill in the art to modify the Centers '486 device by mounting the control block and vibration sensors of Culp on the shell in order to integrate the unit and create a smaller footprint.

Centers also does not specifically state that the system master makes "request" to the control block for an image containing the noted information or set forth that the modified or new image is sent back to the control block and stored in said memory in place of the first image.

Centers does set forth that a system master, such as 808 in Fig. 8, can issue "commands" to the control blocks of the individual compressors and one of ordinary skill would understand these commands to be a "request" or else be the equivalent of a request. Centers also makes clear throughout the disclosure that the system master has access to all the data in the memory and can receive and send copies of it. The paragraph spanning columns 14 and 15 also sets forth that the modem permits the system master (i.e. the remote PC) to connect with and monitor the control block, to

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send and receive data from the control block and access all operating parameter service information etc. and also the sensor information.

At the time of the invention it would have been obvious to simply receive the full image of all the required data for a particular function/analysis/update-process of the data at the system master and return it to the memory after modification and to store the new image of the data in the same location within the memory as the corresponding old/previous version of the data. The transmission of a single image containing the data would minimize the number of operations and ensure that the data represents the conditions at a single point in time. The placement of the new image in the location of the old would allow the system to continue to operate without requiring the control block to reassign new memory throughout the controller software for the location of each piece of data within the memory. This also relieves the control block of the requirement of tracking the new locations of each of the pieces of data.

With respect to claims 19 and 20, the control system uses pressure and temperature sensors, among others, to detect or predict actual shutdown conditions based on the operating state of the compressor (1002). These signals are transmitted to the system master, and are indicative of an operating characteristic of the compressor, see col. 9 lines 21-26.

With respect to claim 27 there is no explicit teaching of the control clock/control system (1004), including a gateway however in col. 13 line 65 and col. 14 lines 24-28,

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the control system (1004) includes a network interface connection (2013) among it's multiple circuit boards, for connection of the control system and the compressor to the network, the system master and the other compressors. This data interface constitutes a gateway board. Centers includes a plurality of connectors (J1, J2, J8, J11) and microprocessor boards (500), enunciator boards (600) and ARCnet peer-to-peer network communication interface circuits, which constitute communication interfaces or gateways.

With respect to claims 56, 58 and 66 and the recitation of the types of data (for example compressor identification data) or to recitation of a specific data element (for example refrigerant data) as noted above Centers discloses the limitation as claimed. However, it is additionally noted that the reference to the type of data is directed to non-functional descriptive material and does not alter how the data is transmitted, received or stored between the control block and the system master. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d, 1031 (Fed. Cir. 1994).

With regards to claims 19 and 30 and the limitations following the recitation of "operable to..." in each of those claims the examiner notes that the limitations following this phrase set forth a limitation or action which the control block must be capable of doing and Centers controller is capable of the claimed action.

(10) Response to Argument

The applicant argues that the combination of Centers and Culp does not render the claims obvious under 35 USC 103(a) for three main reasons: (i) the combination fails to teach a system master that receives a copy of a first image of configuration data, including the recited data contained in the configuration data, constructs a new image of the configuration data and sends the new image to the control block which stores the new image in place of the old; (ii) the modification of Centers, as proposed by the examiner would render the Centers reference unsatisfactory for its intended purpose and changes its principle of operation; and (iii) the rejection suffers from hindsight reasoning. The examiner respectfully disagrees.

With respect to the **first argument**, the applicants set forth in the Appeal Brief at the paragraph spanning pages 18 and 19 that the examiner agrees that the prior art does not show a system master that request to a control block for an image of compressor configuration data, that receives a copy of the first image from a control block in response to the request, that constructs a new image and sends it back to the control block for storage in place of first/original image. The applicant cites the Office Action 10/22/09 at page 4 in support of this argument.

The examiner respectfully asserts that the applicant has clearly misunderstood and misstated two very important details with regards to the examiners position.

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First, the examiner agrees, as set forth in the rejection above and as detailed in the Final Rejection on page 4, that Centers does not specifically state the system master makes a “request” of the control block. What Centers teaches is that the system master issues “commands” to the system master for the desired data. As far as there is a difference between a request and a command when considered in the environment of system masters and control blocks “talking to one another” the examiner has taken the position that these are either the same thing or obvious equivalents. In other words, the examiner believes that the Center’s system master sending a command for data to the control block can be considered a request for the data.

Second, the applicant has skipped over *the vital detail* of the examiner’s argument in making his arguments against the Centers reference and it relates to the limitation of an “image” as claimed. The applicant’s arguments make repeated reference to the “image of configuration data”, whether it is the original/first image, the copy of the image or the new/modified image. However, as set forth in the recited part of the examiner’s rejection in the Office Action of 10/22/2008, the examiner states:

Centers '486 does not specifically state that the system master makes request to the control block for an image ***containing the noted information*** or set forth that the modified image is sent back to the control block and stored in the original location within the memory”.

Centers does teach of a system master that makes request to the control block for an image of configuration data, that the system master modifies this image and that

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the modified image is sent back to the control block. An image of data is any representation of the data. This interpretation has repeatedly been discussed, see for example the non-final Office action of July 12, 2006 at page 3 lines 7-10 and lines 17-20. In requesting a piece or set of data to be "fine tuned", as the applicant puts it, Centers is requesting an image of a specific data group, receiving it, modifying it and then sending the image back to the control block for storage. The difference with the applicant's claimed invention, in particular claim 69, is that the image is specified as including a list of specific compressor configuration variables and data elements. Therefore it is not that Centers does not teach the process, it is that Centers does not specifically teach performing these operations with the configuration data set enumerated in claim 69. However, as detailed in the rejections above, and throughout the prosecution history, Centers does teach that the memory associated with the control block includes the data which is listed in claim 69. Furthermore, as detailed in the rejections above, and throughout the prosecution history, Centers does teach that the system master can access all information stored in the memory. Thus the examiner finds that it would have been obvious to provide whatever group of data which the system operator finds necessary for a particular application to the system master in a single image or data group in order to reduce the number of data transmissions and simplify the process.

The applicant at page 21 lines 8-15 makes the argument that:

"Similarly, Centers does not teach or otherwise suggest the sending or receiving of an image. In Centers, the modem is used to transmit and receive various data types,

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such as load and unload pressures, auto/dual timeout values and package configurations. Centers, however, does not contemplate compiling the various data types into a single image for transmission. Thus, Centers cannot be read to teach “receives said first image of said configuration data”, or “sends a new image of configuration data”, as recited in the claims.”

The examiner believes the specific definition of what an “image” is has been confused. As set forth above and as previously and repeatedly set forth by the examiner during prosecution, an “image” of data is any representation of the data. An “image” is not required to have a plurality of data elements or to be a representation of the whole memory. As argued previously by the examiner during prosecution the memory can contain plural images of various data sets or groups. In the applicant’s own argument set forth above the applicant admits that Centers transmits and receives “images” of data by saying that “(i)n Centers, the modem is used to transmit and receive various data types, such as load and unload pressures, auto/dual timeout values and package configurations.” The issue is that Centers does not state that the system master transmits and receives an image **containing the noted information** back and forth to the control block. However, as argued in the above rejection and in the Final Rejection of October 22, 2008 the Centers prior art makes such an operation obvious to one of ordinary skill in the art.

The applicant further makes the argument at page 21 lines 2-5 that Centers does not teach or suggest “to compile the various data into a single image and to store the

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image in memory". However, as noted above with reference to the applicant's argument at page 21 lines 8-15 the applicant admits that Centers teaches of the system master transmitting and receiving a plurality of data types. As further detailed in the rejection above Centers teaches that the system master can access all the data in the memory of the control block. The examiner maintains that to include a specific group of data, such as the group of data elements listed in claim 69, into an image would have been obvious to, and within the skill level of, one of ordinary skill in the art

It is worth noting that nowhere does Centers say that, for example, specifically data elements X and Y are the data elements or image transmitted and received between the system master and the control block. Also, nowhere does Centers say that the data elements which are transmitted and received between the system master and the control block are single data elements or images of a single data element or variable and that multiple transmissions occur, one for each piece of data. Centers does say, for example at col. 15 lines 5-17 that the remote PC, i.e. the system master, can access all operating parameters, service information, and shutdown records stored in the control block. And furthermore notes that all operating parameters of the electronic control system 1004, i.e. the control block, can be modified by the operator of the system master. Many of these variables represent equivalents of the data elements listed in claim 69. For example, service information and shut down records are equivalent to compressor event history data, and operating parameters would be considered compressor control data including at least a set point and/or a pressure limit. Centers also describes at col. 25 line 41 through col. 26 line 4 that the system master can

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request data from the control blocks of the compressor arrangement. Centers notes that “data is stored in electronic control system 1004 and can be retrieved for fine tuning or evaluation of unload and load pressures, auto/dual timeout values, and multiple compressor package configurations. In addition, compressor package parameters can be configured from the remote site” (see col. 25 line 63 thru col. 26 line 1). Here Centers explicitly states that the system master and the control block are transmitting and receiving plural data elements. The examiner maintains that to include a specific group of data, such as the group of data elements listed in claim 69, into an image would have been obvious to, and within the skill level of, one of ordinary skill in the art.

On page 10 lines 4-6 the applicant states that “(b)eyond the above comments the Examiner does not point to an instance where Centers stores, copies, sends, receives or constructs anew, an image of configuration data.” The examiner finds this baffling and notes, the following locations where specific reference is made to the Centers document describing that the data is stored, copied, sent, received or constructed anew, for instance: (1) the non-final rejection of 1/14/2003 at page 3; (2) the final rejection of 6/18/2003 at page 3 line 7 through page 4 line 18; (3) the non-final rejection of 12/3/2003 at page 3 line 2 through page 3 line 13; (4) the final rejection of 4/26/2004 at page 3 line 3 through page 3 line 16; (5) the non-final rejection of 10/18/2004 at page 3 line 9 through page 3 line 21; (6) the final rejection of 5/13/2005 at page 4 line 2 through page 5 line 8; (7) the non-final rejection of 7/12/2006 at page 3 line 14 through page 3 line 20; (8) the final rejection of 7/23/2007 all of page 4 and continuing onto page 5 through line 9; (9) the non-final rejection of 1/1/2008 at the last paragraph of page 2

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through page 4 line 7, further at page 7 lines 13 through page 8 line 14 and at page 9 lines 11-16; and (10) the final rejection of 10/22/2008 at page 3 lines 8 through page 4 line 7 and at page 4 lines 18-21. Thus, far from not pointing to an instance where Centers sets forth that it performs the noted steps, a cursory review of the office actions over the past almost seven years shows that the examiner specifically pointed out to the applicant specific such instances in Centers at least 10 times.

At page 20 when commenting on the examiner's reason why the examiner has said it would be advantageous to utilize a single image, i.e. to minimize the number of operations and ensure that the data would represent the conditions at a single point in time, the applicant argues at lines 15-17 that "(n)oting the technical advantages of the claimed apparatus cannot from the basis alleged motivation to modify prior art". The examiner notes that the applicant's disclosure does not set forth or recognize the examiners reasons and motivations for combining as technical advantages of his system.

As set forth in the rejection under 35 USC 103(a) the Culp reference was cited for its teaching of a vibration sensor and control circuits mounted on a shell of the compressor. This teaching has not been challenged.

With respect to the applicant's **second argument**, the examiner respectfully disagrees.

The response to the argument above (the previous paragraph) also applies to the applicant's second argument that the examiner has failed to show a proper

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motivation for modifying the Centers reference. As admitted by the applicant at page 27 lines 16-18 when "designing any system, two issues encountered are reducing the computational complexity and increasing the accuracy and reliability of the data." Thus the examiner's reasons for sending an image including the noted information is on its face valid. Such a transmission of an image including the required data would minimize the number of steps for transferring the data. Which the applicant admits is beneficial. Furthermore, as admitted by the applicant, storing the image in the same place as the previous or original image also simplifies the computational complexity and increases the accuracy and reliability of the data. Once again it is noted that the applicant's disclosure does not set forth or recognize the examiners reasons and motivations for combining as technical advantages of his system.

With regards to the limitations of the modified image being stored "in place of" the original image the examiner notes that this limitation is broader than the modified image being stored in the same place in the memory as the original image. The modified image could be placed in the memory and now be recognized as the primary reference for the configuration data while the old or original image is kept as a system event or historical record. However, storing the modified image in the same location as argued by the examiner in the rejections provides clear benefits as discussed in the rejections set forth above.

At page 24 lines 3-5 the applicant states that when monitoring and updating individual parameters the service person would only be concerned with current values of the specific parameters. This is applicant's own conclusion and flies in the face of the

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teachings of the Centers reference and the applicant's own arguments made with respect to the teachings of Centers. For example in Centers at col. 25 line 41 through col. 26 line 4 (which is referenced by the applicant) it is noted that the system master can request data from the control blocks of the compressor arrangement. Centers notes that "data is stored in electronic control system 1004 and can be retrieved for fine tuning or evaluation of unload and load pressures, auto/dual timeout values, and multiple compressor package configurations. In addition, compressor package parameters can be configured from the remote site". Here plural data elements are listed as being considered for adjustment. Furthermore at col. 15 lines 7 through 10 (also referenced by the applicant) sets forth that all operating parameters, service information and shutdown records are transmitted to the remote PC. Centers also teaches that plural data elements are to be considered to detect and predict shutdown conditions such as temperature and pressure. At col. 9 lines 27-47 Centers describes one example of an image set of data which can be considered and analyzed to determine a shutdown condition. At col. 9 lines 48-65 Centers gives another example of an image set of data which could be considered and analyzed to determine a shutdown condition. Lastly, at col. 9 line 66 through col. 10 line 4 an additional list of data elements is provided which an operator can consider before determining that compressor shutdown is proper. Therefore it is clear in Centers that plural data elements and operating parameters with respect to the full compressor arrangement are considered when or before adjusting or analyzing any of the parameters.

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Also with regards to the applicant's statements at page 24 lines 3-5 and at page 25 lines 4 and 5 it is again noted that an image is any representation of data. Be it a piece of data representing a single variable or a collection of data values representing a set of variables. The examiner has been consistent in this determination of the scope of the term "image". See for example, the non-final Office Action of January 11, 2008 at page 9 lines 2-8 where the examiner set forth that the memory could set forth multiple images. The applicant's use of the phrases "an image of all data" and a "full image" of the data in his arguments is misleading. The claims only set forth an image including at least the listed data components. As set forth in detail above Centers teaches transmitting, modifying and receiving an image including plural data elements. Some of which are the same, or correspond to, the applicant's elements. Centers also sets forth that the other data elements are present in the memory and that the system master can access them. As also detailed above, it would have been obvious to one of ordinary skill in the art to include in the image any other data elements, which may be deemed necessary for the purposes of maintenance, service diagnosing, adjustment and optimization and the transmission of status reports.

The examiner also disagrees with the applicant's position that including more data elements in the image would render Centers unsatisfactory for its intended purpose. The applicant himself sets forth at page 25 lines 10-13 that "the service person would only be concerned with the specific parameters under evaluation and would not want to sacrifice the time or undergo the extra steps needed to unnecessarily copy a full image of all configuration data to a system master...". By referring to "specific

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parameters" the applicant is admitting that the data image sent to the system master includes plural data elements, for example the image could include (data A, data B and data C). One of ordinary skill in the art from such a teaching would find it obvious to include one or more additional data elements (data D for example) if it was determined that these elements could aid the serviceperson in performing maintenance etc.. Such an image would now include (data A, data B, data C, data D,) and would represent a "full image of configuration data" if the configuration data was defined to be data elements A-D.

Further the examiner disagrees that including the additional data elements into the image would create additional time and steps and add unneeded complexity and defeat the "real time" nature of the monitoring, fine tuning and adjusting. It is much simpler to adjust the size of the data set once within the control program than to perform multiple transmissions, requests, transmits, modifications and data resends each time maintenance monitoring is performed for the lifetime of the compressor arrangement as suggested by the applicant. Furthermore, the "real time" function is only associated with the monitoring function. The other functions and operations, such as maintenance, service diagnosis and transmission of status reports do not require a real time function.

It is once again stressed that reference to a "full image" does not mean that the entire memory is copied. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a full image) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are

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not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner respectfully disagrees with the applicant's **third argument**.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

As detailed above the ten offices actions over the past seven years have provided specific and ample detail of how the Centers reference teaches and makes obvious the claimed invention. Far from the examiner citing the advantages of applicant's apparatus over Centers as a basis for the rejection, the examiner has followed the teaching of Centers and detailed in the record how the claimed invention is made obvious by Centers. The applicant has suddenly claimed the examiner's reasons for combining as the advantages of his invention when such advantages were not set forth in the applicant's disclosure. Nowhere does the applicant's disclosure discuss reducing the number of data image transmissions relative to the prior art or discuss simplifying memory management. As admitted by the applicant reducing computational

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complexity and increasing accuracy and reliability are issues which are always strived to be maximized. For the reasons set forth above including all the data elements listed in the claims into the data which is transmitted back and forth would accomplish these goals.

With regards to the combination of Centers and Culp under 35 USC 103(a) and whether claim 32 is made obvious by the combination the applicant makes the following arguments. The applicant argues that Centers does not teach initially configuring a compressor using a new image from a system master.

With regards to the applicant's comments at page 28 lines 13-18 the examiner agrees that "compressor data" should be "configuration data" and also agrees that the error can be corrected later in the event that a patent should issue.

With regards to the statement that Centers does not teach "initially configuring a compressor via a new image of configuration data received from the system master" the examiner disagrees. The examiner notes that any modified version of an image would be a new image which is received from the system master. With regards to the applicant's arguments made relative to there being a distinction between a "new image" versus "certain parameters" which have been reset for fine tuning the examiner notes the arguments made above. The applicant gives the example (see the top of page 30) of "a newly added compressor may be initially configured using the created new image, so that the new compressor's operation mirrors that of the compressor being replaced." The examiner feels this example illustrates that claim 32 is performed by the Centers

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system. If during maintenance the serviceperson determined after viewing the image transmitted to the system master that a new compressor was required to replace the old compressor then he would replace the compressor and update the configuration data including the compressor identification data for the new replacement compressor. After updating the data/modifying the image the new image would be sent back to the control block to initially configure the newly created compressor system. This clearly reads on the claimed invention of claims 69 and 32.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Charles G Freay/

Primary Examiner, Art Unit 3746

Conferees:

/Devon C Kramer/

Supervisory Patent Examiner, Art Unit 3746

/Greg Vidovich/

TQAS, TC 3700